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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/533,876      | 05/05/2005  | Mats Johansson       | 027651-267          | 9663             |

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| EXAMINER |
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TRUONG, THANH K

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| ART UNIT | PAPER NUMBER |
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3721

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| MAIL DATE | DELIVERY MODE |
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08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/533,876

Applicant(s)

JOHANSSON ET AL.

Examiner

Thanh K. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5-3-07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on May 3, 2007.
2. Applicant's cancellation of claims 19-22 is acknowledged.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following limitations must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

"each forming flap being directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package" as recited in claim 1;

"the forming flaps during the movement of the sealing halves towards the closed sealing position pressing two opposing portions of the package towards each other" as recited in claim 1; and

"wherein each package engaging member is U-shaped" as recited in claim 24.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by A. B. Mojonnier (2,798,349).

Regarding claims 1 and 26, Mojonnier discloses an apparatus comprising:

at least one pair of sealing halves (61, 64), which are reciprocally movable between an open position and a closed sealing position, one of the sealing halves comprising sealing means for sealingly closing the open end of the package,

forming means for forming the package comprising a pair of forming flaps (41, 46, 47) each forming flap being associated with a sealing half and each forming flap

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possessing a first end pivotally attached to a support, each forming flap being directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package, and the forming flaps during the movement of the sealing halves towards the closed sealing position pressing two opposing portions of the package towards each other (figures 1, 5 and 7-19 – column 1, lines 60-72 and column 2, lines 1-4).

Regarding claim 2, wherein each of the forming flaps (41) is adapted to be pivoted from a first essentially vertical position to a second angled position in which the second end of each forming flap is in contact with a portion adjacent the open end of each package (figures 7-10).

Regarding claim 3, wherein each of the forming flaps is biased, such that it is kept in its first essentially vertical position when the sealing halves are in their open position (figures 5 and 7).

Regarding claim 4, wherein the apparatus comprises at least three pairs of linkage arrangement including a first pair of linkage arrangements with two reciprocally movable halves (41, 41) provided with pressing means for pressing on opposing portion of the package at a distance from the open end thereof, a second pair of linkage arrangements that include the forming flaps (46, 47) for forming each package adjacent the open end thereof, and a third pair of linkage arrangements that include the one pair of halves (61, 64) which are reciprocally movable between the open and closed positions.

Regarding claim 5, wherein each of the forming flaps (46, 47) is attached at its first end to one end of a respective upstanding arm (48, 49):

Regarding claim 6, wherein each of the forming flaps (46, 47) is biased by a spring (52, 53), which is operatively connected to the first end of each of the forming flaps (figures 1 and 5).

Regarding claim 7, wherein each of the forming flaps (41) is attached at its first end to an upper side of a respective upstanding arm (42, 86) (figure 5).

Regarding claim 8, wherein each of the forming flaps is generally T-shaped and oriented such that the second end of the flap forms the overhead horizontal leg of the T (46, 47 form a T-shaped with 48 and 49).

Regarding claim 9, wherein the three pairs of linkage arrangements for sealingly closing the open end of each package are vertically spaced apart, so that the movable halves of the linkage arrangements are freely movable in relation to each other during sealing and closing of each package (figures 1 and 5).

Regarding claim 10, wherein the third pair of linkage arrangements including the sealing means (61, 64) for sealingly closing the open end of each package is placed at a vertical distance from each half of the second pair of linkage arrangements, which vertical distance is adapted so that the flap (41) is pivoted by the two halves of the third pair of linkage arrangements from its first essentially vertical position to its second angled position for pressing two opposing portions of the package toward each other

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(figures 1 and 5 show that 41, 41, 61, 64 are connected through linkages and vertically space apart).

Regarding claims 23-25, a pair of package engaging members adapted to engage opposite sides of the package, each of the forming flaps being mounted for pivoting movement relative to a respective one of the package engaging members; wherein each package engaging member is a U-shaped; and each forming flap is pivotally mounted on the respective package engaging member (it is construed that the apparatus as shown in figure 1 is a package engaging apparatus and has package engaging members that formed in an inverted U-shaped – two vertical legs 26 and a horizontal leg 37 and forming flap (41) is pivotally mounted on the respective package engaging member (37)).

#### ***Allowable Subject Matter***

6. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed May 3, 2007 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

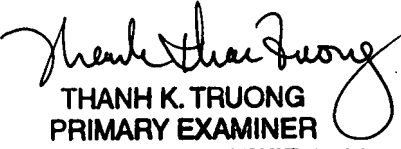
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkf  
August 4, 2007.

  
THANH K. TRUONG  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3700